

12

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

D-1, MICHAEL A. BERENSON,

Defendant.

Case:2:17-cr-20521
Judge: Borman, Paul D.
MJ: Majzoub, Mona K.
Filed: 08-03-2017 At 02:55 PM
INDI USA V BERENSON (BG)

VIOL: 18 U.S.C. § 2252A(g)
18 U.S.C. § 2251(a)
18 U.S.C. § 2251(e)
18 U.S.C. § 2422(b)
18 U.S.C. § 2252A(a)(2)
18 U.S.C. § 2252A(b)(1)
18 U.S.C. § 2253
18 U.S.C. § 2
18 U.S.C. § 2252A(a)(5)(B)
18 U.S.C. § 2252A(b)(2)

INDICTMENT

THE GRAND JURY CHARGES:

At all times in this Indictment:

1. Coconspirator 1 was a resident of the Eastern District of Michigan.
2. Michael A. Berenson was a resident of the Western District of Seattle.
3. Minor Victim 1 (hereinafter "MV-1") was a girl under the age of 18.
4. Minor Victim 2 (hereinafter "MV-2") was a girl under the age of 18.
5. During the time periods covered in this Indictment, and as far back as 2012, Michael A. Berenson and Coconspirator 1, worked together as a group, with others known and unknown to the Grand Jury, to attempt to get numerous minor victims, both known and unknown to the Grand Jury, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), on webcam so that they could record this activity. Specifically, they worked together to produce videos of minor victims, both known and unknown to the grand jury, engaged in sexual acts and the lascivious exhibition of the genitals and pubic area.

COUNT ONE

(Child Exploitation Enterprise, 18 U.S.C. § 2252A(g))

D-1, MICHAEL A. BERENSON

Between the dates of January 1, 2012 and November 1, 2014, in the Eastern District of Michigan, and elsewhere, the defendant, MICHAEL A. BERENSON, along with Coconspirator 1, and others known and unknown to the Grand Jury, knowingly engaged in a child exploitation enterprise by violating Chapters 110 and 117 of Title 18 of the United States Code (specifically 18 U.S.C § 2251, 18 U.S.C § 2422(b), and 18 U.S.C. § 2252A), as a part of a series of felony violations constituting three or more separate incidents and involving more than one minor victim, including, but not limited to, offenses which are described in Counts TWO through EIGHT of this Indictment, and committed those offenses in concert with three or more other persons; all in violation of Title 18, United States Code, Section 2252A(g).

COUNT TWO

(Conspiracy to Produce Child Pornography, 18 U.S.C §§ 2251(a), 2251(e))
D-1, MICHAEL A. BERENSON

Between the dates of January 1, 2012 and November 1, 2014, in the Eastern District of Michigan, and elsewhere, the defendant, MICHAEL A. BERENSON, and Coconspirator 1, did combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to knowingly employ, use, persuade, induce, entice, and coerce one or more minors to engage in sexually explicit conduct as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct and transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce; such visual depiction was produced and transmitted using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) & (e).

COUNT THREE

(Production of Child Pornography, 18 U.S.C. §§ 2, 2251(a))

D-1, MICHAEL A. BERENSON

In or about November of 2012, in the Eastern District of Michigan, and elsewhere, the defendant, MICHAEL A. BERENSON, along with Coconspirator 1, aided and abetted by each other, and others known and unknown to the Grand Jury, did knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-1, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct and transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce; such visual depiction was produced and transmitted using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce; all in violation of Title 18, United States Code, Section 2251(a), & Title 18, United States Code, Section 2.

COUNT FOUR

(Production of Child Pornography, 18 U.S.C. §§ 2, 2251(a))

D-1, MICHAEL A. BERENSON

In or about November of 2012, in the Eastern District of Michigan, and elsewhere, the defendant, MICHAEL A. BERENSON, along with Coconspirator 1, aided and abetted by each other, and others known and unknown to the Grand Jury, did knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-2, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct and transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce; such visual depiction was produced and transmitted using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce; all in violation of Title 18, United States Code, Section 2251(a), & Title 18, United States Code, Section 2.

COUNT FIVE

(Coercion and Enticement of a Minor 18 U.S.C. §§ 2, 2422(b)).

D-1, MICHAEL A. BERENSON

Between the dates of January 1, 2012 and November 1, 2014, in the Eastern District of Michigan and elsewhere, the defendant, MICHAEL A. BERENSON, along with Coconspirator 1, aided and abetted by each other, did knowingly use a facility and means of interstate and foreign commerce (to wit: the Internet) to persuade, induce, entice and coerce a person who had not attained the age of 18 years (to wit: MV-1) to engage in any sexual activity for which any person could be charged with a criminal offense, including but not limited to the production of child pornography as described in 18 U.S.C. § 2256(8), all in violation of 18 U.S.C. § 2422(b) & § 2.

COUNT SIX

(Coercion and Enticement of a Minor 18 U.S.C. §§ 2, 2422(b)).

D-1, MICHAEL A. BERENSON

Between the dates of January 1, 2012 and November 1, 2014, in the Eastern District of Michigan and elsewhere, the defendant, MICHAEL A. BERENSON, along with Coconspirator 1, aided and abetted by each other, did knowingly use a facility and means of interstate and foreign commerce (to wit: the Internet) to persuade, induce, entice and coerce a person who had not attained the age of 18 years (to wit: MV-2) to engage in any sexual activity for which any person could be charged with a criminal offense, including but not limited to the production of child pornography as described in 18 U.S.C. § 2256(8), all in violation of 18 U.S.C. § 2422(b) & § 2.

COUNT SEVEN

(Conspiracy to Receive Child Pornography, 18 U.S.C. §§ 2252A(a)(2),
2252A(b)(1))

D-1, MICHAEL A. BERENSON

Between the dates of January 1, 2012 and November 1, 2014, in the Eastern District of Michigan, and elsewhere, the defendant, MICHAEL A. BERENSON, along with Coconspirator 1, did combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to knowingly receive child pornography, as defined in 18 U.S.C. § 2256(8)(A), that has been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and that has been shipped and transported using any means or facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Section 2252A(a)(2) & 2252A(b)(1).

COUNT EIGHT

(Conspiracy Access with Intent to View Child Pornography 18 U.S.C. §§
2252A(a)(5)(B), 2252A(b)(2))

D-1, MICHAEL A. BERENSON

Between the dates of January 1, 2012 and November 1, 2014, within the Eastern District of Michigan, and elsewhere, the defendant, MICHAEL A. BERENSON, along with Coconspirator 1, did combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to knowingly access with intent to view material which contained one or more images of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that involved one or more prepubescent minors and one or more minors who had not attained twelve (12) years of age, and which material had been shipped and transported using any means and facility of interstate and foreign commerce, had been shipped and transported in and affecting interstate and foreign commerce, and were produced using materials that have been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, all in violation of Title 18, United States Code, Section 2252A(a)(5)(B) & 2252(A)(b)(2).

FORFEITURE ALLEGATION

1. The allegations of this Indictment are re-alleged as if fully set forth here, for the purpose of alleging forfeiture, pursuant to Title 18, United States Code, Section 2253 and Title 18, United States Code, Section 2428.

2. If convicted of an offense charged and set forth above, MICHAEL A. BERENSON shall forfeit to the United States any and all materials and property used and intended to be used in the distribution, possession, and transportation of visual depictions of minors engaging in sexually explicit conduct, and any and all property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense.

THIS IS A TRUE BILL.

s/ Grand Jury Foreperson

GRAND JURY FOREPERSON

DANIEL L. LEMISCH
ACTING UNITED STATES ATTORNEY

s/ Matthew A. Roth

MATTHEW A. ROTH
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Dated: August 3, 2017

s/ April N. Russo

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ORIGINAL

United States District Court
Eastern District of Michigan**Criminal Case Cover**Case: 2:17-cr-20521
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MJ: Majzoub, Mona K.
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete

Companion Case Information	Companion Case Number: 16-20239
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned: Judith E. Levy
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	AUSA's Initials: <u>AR</u>

Case Title: USA v. Michael A. BerensonCounty where offense occurred : Oakland and elsewhereCheck One: ☒ Felony ☐ Misdemeanor ☐ Petty

☒ Indictment/ ☐ Information --- no prior complaint.
☐ Indictment/ ☐ Information --- based upon prior complaint [Case number: _____]
☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: _____ Judge: _____


- ☐ Corrects errors; no additional charges or defendants.
☐ Involves, for plea purposes, different charges or adds counts.
☐ Embraces same subject matter but adds the additional defendants or charges below:

Defendant nameChargesPrior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

August 3, 2017

Date


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¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.